

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

ILIFE TECHNOLOGIES, INC.,	§	
	§	
Plaintiff,	§	
	§	Case No. 3:13-cv-04987
v.	§	
	§	
NINTENDO OF AMERICA INC.,	§	
	§	
Defendant.	§	

**DEFENDANT NINTENDO OF AMERICA INC.’S NOTICE OF  
PETITION FOR WRIT OF MANDAMUS AND  
EMERGENCY MOTION FOR STAY UNDER RULE 8**

Defendant Nintendo of America Inc. hereby provides notice to the Court that on July 10, 2017, NOA filed a Petition for Writ of Mandamus (the “Petition”) ordering dismissal or transfer to the Western District of Washington pursuant to *TC Heartland LLC v. Kraft Foods Group Brands LLC*, 581 U.S. \_\_\_, 137 S. Ct. 1514 (May 22, 2017). *See In re Nintendo of America Inc.*, No. 17-127, Dkt. No. 2 (filed July 10, 2017). The Petition seeks relief from this Court’s Memorandum Opinion and Order denying NOA’s Motion to Dismiss or Transfer for Improper Venue Under 28 U.S.C. § 1406(a). Case No. 3:13-cv-04987, Dkt. No. 245 (June 27, 2017).

NOA also provides notice that it has concurrently filed an Emergency Motion for Stay Under Rule 8 (the “Emergency Motion”) requesting the Federal Circuit stay the proceedings in this Court while the Petition is resolved.

The Federal Circuit has ordered that iLife respond to NOA’s Petition and Motion on July 18, 2017. Order, *Nintendo of America Inc.*, No. 17-127, Dkt. No. 4 (July 11, 2017).

Dated: July 11, 2017

Respectfully submitted,

/s/ Stephen R. Smith

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*Attorneys for Defendant  
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**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the foregoing DEFENDANT NINTENDO OF AMERICA INC.'S NOTICE OF PETITION FOR WRIT OF MANDAMUS was served via CM/ECF upon all counsel of record on July 11, 2017.

/s/ Stephen R. Smith  
Stephen R. Smith